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REMARKS

Claims 1-3, 5-7 and 15-19 are now in the case.

Claims 4, 8-14 and 20 have been canceled.

No claim has been allowed.

The Amendments.

Independent Claims 1 and 15 have been amended to positively recite that the combination grapple rake and subsoiling implement further comprises a coulter blade. Support for these limitations is found in dependent Claims 4 and 20, respectively, which have now been canceled. Method Claims 8-14 have also been canceled in an effort to advance the prosecution of the case. Insofar as the amendments to Claims 1 and 15 derive from previously-examined dependent claims, no new issues are raised.

The Rejection under 35 U.S.C. §102(b).

Claims 8-14 were rejected under 35 U.S.C. §102(b) as being anticipated by Keigley. In view of cancellation of these claims, this rejection is now moot.

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The Rejection under 35 U.S.C. §103(a)/Claims 1-5, 7, 15-18, 20.

Claims 1-5, 7, 15-18 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Risch in view of Fryrear. This rejection is moot in regard to canceled Claims 4 and 20. In regard to the remaining claims encompassed by the rejection, withdrawal of the rejection is requested for the reasons that follow.

Both Risch and Fryrear are drawn to excavating buckets, not to grapple rakes as required by the claims. In the previous response filed on December 13, 2004, Applicants unequivocally established in the record the distinguishing features of a grapple rake as compared to other earth-working devices. Although there may be some overlap in function between a bucket equipped with a thumb and a grapple rake equipped with a thumb, the principal function of a rake is not for excavating, and the principal function of a bucket is not for grasping objects, such as logs and other organic debris.

Applicants acknowledge the teachings by Fryrear of an excavator bucket in combination with sockets for receiving

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subsoiling shanks, and in combination with curvilinear subsoiling shanks secured within the sockets. Applicants also acknowledge that Risch discloses an excavator bucket having a thumb for grasping objects. At best, there might have been motivation for the person of ordinary skill in the art to combine features of Fryrear and Risch in the construction of an excavator bucket. However, neither the bucket of Fryrear modified to include the thumb of Risch, nor the bucket of Risch modified to include the shanks of Fryrear is deemed to render obvious the grapple rake claimed by Applicants. Moreover, neither Risch nor Fryrear teaches or suggests the inclusion of a coulter blade as required by all the claims as now amended. The Examiner urges that one of the teeth of Fryrear is considered a coulter blade. However, there is nothing in the disclosure of Fryrear nor in the remarks of the Examiner that would support the concept of one of the bucket teeth functioning as a coulter blade. As noted in paragraph [0029] of Applicants' specification, positioning of the coulter blades between the underside of the rake tines and the shanks serves to extend the maximum effective subsoiling depth. In paragraph

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[0032] on pages 11 and 12 of the specification, the function of the coulter blade in shearing organic debris (such as tree roots or branches) is described. By tilting the rake toward the ground, the excavator operator can pin the object against the soil (whether the object is on the soil surface or beneath the surface), thereby enabling the blade to impart a guillotine action on the object. Applicants further state that the paired coulter blades and shanks cooperate with one another and serve to stabilize longer pieces of debris that exceed the breath of the rake while being subjected to shearing forces. Shearing the debris prevents it from being pulled through the soil or across the soil surface by the subsoiling shanks, thereby helping to preserve the integrity of the topsoil or other soil stratum. It is inconceivable that a single tooth on the bucket of Fryrear could function in this manner.

The Rejection under 35 U.S.C. §103(a)/Claims 6 and 19.

Claims 6 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Risch in view of Fryrear, and further in view of Rogers. Rogers has been relied upon for a

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teaching of a subsoiling shank comprising wings. Applicants do not dispute that sweeps, such as that disclosed by Rogers are known in the art. However, the teachings of Rogers fail to overcome the deficiencies of Risch and Fryrear in regard to the primary components of the invention as discussed above. Accordingly, withdrawal of the rejection is deemed to be in order and is hereby requested.

Summary.

The Claims as now amended clearly recite a combination grapple rake and subsoiling implement that further comprises a coulter blade. The teachings of the references applied by the Examiner are limited to modifications to excavator buckets, rather than to a grapple rake. Moreover, there is clearly no fair teaching or suggestion in the applied art of a coulter blade or any other structure having the concomitant function thereof.

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Accordingly, Claims 1-3, 5-7 and 15-19 are believed to be in condition for allowance, and a favorable action thereon is earnestly solicited. If the Examiner has any questions or wishes to discuss the resolution of any remaining issues, he is invited to call the undersigned at 309/681-6512.

Respectfully submitted,



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